

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6997**

**BILL NUMBER:** SB 363

**NOTE PREPARED:** Jan 2, 2013

**BILL AMENDED:**

**SUBJECT:** Smoke Detector Batteries.

**FIRST AUTHOR:** Sen. Crider

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires that the battery in a battery-operated smoke detector installed in hotels, motels, and dwellings be a tamper-resistant ten-year lithium battery.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** This bill will increase the workload of the State Fire Marshal to inspect hotels and motels for use of tamper-resistant ten-year lithium batteries. Currently, the State Fire Marshal inspects hotels and motels to ensure battery-operated smoke detectors contain a tamper-resistant cover to protect the batteries. Increases in workload are expected to be negligible.

Under current law, hotel and motel owners who fail to comply with the safety requirements for hotel and motel rooms can be subject to penalty of either a Class A infraction or a Class D felony, depending on mitigating circumstances (IC 22-11-18-5). A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** Under current law, individuals who violate safety requirements for rental property can be subject to penalty as a Class D infraction. The maximum judgment for a Class A infraction is \$10,000 and for a Class D infraction is \$25. Revenue collected from these fines would be deposited in the

state General Fund. However, any additional revenue is likely to be small.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

**State Agencies Affected:** State Fire Marshal, Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.